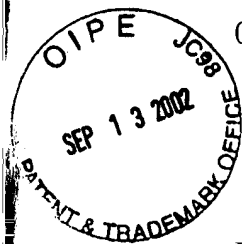


#7 E
9-27-02



00862.003050 (862.3050)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Examiner: C. Kim

-Tsukasa-SAKO, et al:)

Group Art Unit: 2623

Application No.: 09/408,447)

Filed: September 29, 1999)

For: IMAGE PROCESSING APPARATUS)
AND METHOD, PHOTOGRAPHING :
SYSTEM, CONTROLLING)
METHOD FOR THE SYSTEM, AND :
COMPUTER-READABLE MEMORY)

September 13, 2002

RECEIVED
SEP 25 2002
Technology Center 2600

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office Action mailed August 13, 2002.

In the August 13, 2002 Office Action, it was alleged that the claims of Groups I and II are patentably distinct because they are related as subcombinations disclosed as usable together in a single combination.

Applicants note that the inventions of Groups I and II are so closely related in the field of image processing that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be

searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall-invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.


In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 C.F.R. § 1.143, Applicant provisionally elects the claims of Group I, namely Claims 1-38.

Due consideration and prompt passage to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants
Michael E. Kondoudis
Registration No. 42,758

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
MEK/cmv

DC_MAIN 108674 v 1